

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED
For C'ville
SEP 09 2005
JOHN F. CORCORAN, CLERK
BY: *J. Michael*
DEPUTY CLERK

ROY B. HARRIS III,

Plaintiff,

v.

AMERICREDIT FINANCIAL SERVICES, INC.,

ABSOLUTE RECOVERY, INC.,

Defendants.

CIVIL ACTION NO. 3:05CV00014

ORDER

JUDGE NORMAN K. MOON

Before the Court is Absolute Recovery's April 7, 2005 motion to dismiss all counts of the Plaintiff's complaint pursuant to Fed. R. Civ. P. 12(b)(6). For the reasons stated in the accompanying memorandum opinion, it is hereby

ADJUDGED ORDERED AND DECREED

that Absolute Recovery's April 7, 2005 motion to dismiss shall be, and it hereby is, GRANTED IN PART AND DENIED IN PART. The motion shall be GRANTED as to Count III of the complaint, but DENIED as to Counts I and II of the complaint.

The Clerk of the Court is hereby directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Norman K. Moon

United States District Judge

Sept. 9, 2005

Date